

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JUDITH LEE YOUNG,

Plaintiff,

v.

DESERT VILLA PARTNERS, LP  
(also known as DESERT VILLA  
APARTMENTS),

Defendants.

NO: 4:19-CV-5226-TOR

ORDER DISMISSING COMPLAINT  
WITHOUT PREJUDICE

BEFORE THE COURT is the Court's Order to Show Cause, ECF No. 19. Plaintiff, is proceeding *pro se*. Defendant has been served. By Notice filed May 20, 2020, this Court set a telephonic scheduling conference for June 23, 2020. ECF No. 16. Plaintiff did not file a status report or appear telephonically for the hearing. Thereafter, the Court issued an Order to Show Cause as to why the case should not be dismissed for failure to prosecute. ECF No. 19. Plaintiff did not comply with this directive and it is no wonder because the Court's Order was returned as undeliverable. ECF No. 20. Local Civil Rule 41(b)(2) requires a party proceeding

1 *pro se* to keep the Court and opposing parties advised of her current mailing address  
2 and provides for dismissal of the action for failing to do so.

3 Here, the Court has weighed the factors required to be considered prior to  
4 dismissal. *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988) (quoting five factors  
5 listed in *Henderson v. Duncan*, 779 F.2d 142, 1423 (9th Cir. 1986)). Additionally,  
6 notice to Plaintiff now would be a futile gesture and no less drastic sanction is  
7 available to the Court. *Carey*, 856 F.2d at 1441. It would be absurd to require this  
8 Court to hold this case in abeyance indefinitely waiting to see if Plaintiff would  
9 someday update her address and prosecute this lawsuit. *See id.*


10 **ACCORDINGLY, IT IS HEREBY ORDERED:**

11 The Complaint (ECF No. 1) is **DISMISSED without prejudice** for failure to  
12 prosecute.

13 The District Court Executive is directed to enter this Order, enter judgment, and  
14 **close** the file.

15 **DATED** July 8, 2020.



  
THOMAS O. RICE  
Chief United States District Judge